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# State of Michigan

HON. JOSEPH A. COSTELLO, JR.

CIRCUIT COURT JUDGE • 38<sup>TH</sup> JUDICIAL CIRCUIT

MONROE COUNTY COURTHOUSE • 106 EAST FIRST STREET • MONROE, MICHIGAN 48161-2180

April 5, 2004

Michigan Supreme Court  
P.O. Box 30052  
Lansing, MI 48909

RE: Comments on proposed MCR 6.101(D)(o)

Dear Sir/Madam:

Please accept this comment regarding proposed MCR 6.101(D)(o).

I believe that the proposed language could result in an unintended result. It would appear that the Committee has attempted to resolve a conflict in court orders and bond conditions. The proposed language states that:

"... If an order under this paragraph limiting or prohibiting contact with any other persons is in conflict with another court order, the order under this paragraph shall take precedence over the other court order until the conflict is resolved".

It would appear that if the first order permitted contact (i.e., parenting time, etc.) a subsequent act by a party might result in a bond condition of "no contact" (i.e., in a domestic violence case, etc.), hence the application of proposed MCR 6.101(D)(o). If the first order did not permit contact, etc., it is conceivable that the order issued pursuant to this court rule (the subsequent order) might allow contact, thereby defeating the reason(s) why the first order was entered.

I support the intent of the Committee, however, I would suggest that the following language be inserted after the words, "shall take precedence":

"... provided it does not give the defendant any greater rights or privileges than the prior court order," or words to that effect.

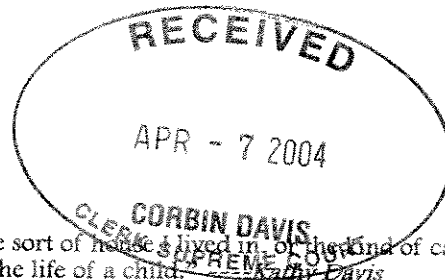
Furthermore, it might be a good idea to state that the judge entering the order pursuant to this court rule should consult with the judge issuing the prior order.

Thank you for the opportunity to comment on this proposed court rule.

Very truly yours,

Hon. Joseph A. Costello, Jr.  
Circuit Judge

JAC/cke



"A hundred years from now, it will not matter what my bank account was, the sort of house I lived in, or the kind of car I drove  
....but the world may be different because I was important in the life of a child."